IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8256 of 1994

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GSRTC

Versus

S T KARMACHARI MANDAL

Appearance:

1. Special Civil Application No. 8256 of 1994

MR HARDIK C RAWAL for Petitioner No. 1

MS RV ACHARYA for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 13/08/2004

ORAL JUDGEMENT

Heard Mr.H.C.Rawal for petitioner and learned advocate Ms.Rohini Acharya on behalf of the respondent.

In the present petition, the petitioner Corporation has challenged the award passed by the Industrial Tribunal, Ahmedabad in Reference [IT] No.513 of 1989 dated 24th February, 1994. The Industrial Tribunal has decided the dispute raised by the Union granting benefit of time scale to six workmen from the date of mentioned against the respective name with all benefits.

Mr.Rawal, learned advocate for the petitioner has submitted that the tribunal has committed gross error in coming to such conclusion and as such, the tribunal has ignored the settlement as well as circular issued by the Corporation. He also submitted that the workmen are not entitled to benefit of time scale after completion of 240 days and therefore, the tribunal has committed gross error in granting relief in favour of the workmen.

Learned advocate Ms.Acharya has supported the award passed by the Industrial Tribunal.

I have perused the award passed by the Industrial Tribunal. The Tribunal has considered that these six workmen were working since 1982 as per the Exh.36 and each workman, as per the document Exh.58, had attended employment for more than 240 days continuously. The statement of the Corporation did not stand tallied with the settlement and circular. The corporation has not disclosed the earlier services rendered by the workmen, whether it was as Badali Workman or as daily rated employee. Ultimately, the Tribunal has considered Exh.58 produced by the Union and come to the conclusion that all six workmen are entitled to time scale benefit after completion of 240 days and accordingly, the award has been made by the Tribunal. The contention raised by the learned advocate Mr.Rawal cannot be accepted in light of the fact that Exh.58 has not been challenged by the Corporation and not disclosed earlier services of each workman before the tribunal.

Therefore, in the opinion of this Court, the tribunal has not committed any error which found apparently on the face of record and as such, no infirmity is pointed out by the learned advocate Mr.Rawal and there is no illegality and irregularity committed by the tribunal while passing the award and in no way, it requires any interference by this Court while exercising the powers under Article 227 of the Constitution of India. Therefore, there is no substance in the present petition and the same is rejected.

Rule is discharged. Interim relief, if any, stands vacated. No order as to costs.

Date : 13.8.2004 [H.K.Rathod, J.]

#kailash, ps#